

REMARKS

The present invention is a hands-free device including a housing for use with a mobile telephone and a vehicle seat headrest support structure, a hands-free device for use with a mobile telephone and a vehicle seat headrest support of the type that includes a pair of pillars that extends from the headrest into a top portion of a vehicle seat, and a method of providing a mobile phone hands-free speaker and microphone device including a housing for use with a vehicle seat, headrest and seat/headrest support structure. In accordance with an embodiment of the invention, the strap 17 cooperates with a hands-free device 20 as illustrated in the drawings including Figs. 4 and 5. As illustrated in Fig. 4 and as described in paragraph [0034] of the specification, when the hands-free assembly 16 of Fig. 1 has been lowered into a position in Fig. 4 and the strap 17 has been pulled in the direction indicated by arrow 30, all of the slack in the strap will be removed. Thereafter, the movable module 18 is positioned at a center region 36 of the span portion 35. Thereafter the metal clip 46 is manually moved to matingly engage the central region of the span portion 35 of the elongated housing to tension the strip to provide secure attachment to the pillars 12 and 13. The tensioning is the result of the previous step of removing all of the slack as illustrated in Fig. 4 and thereafter, deflecting the module 18 to be locked into place with the span portion 35 which creates tension to securely hold the device in place. This structure is now claimed as a tensioning mechanism or tensioning means.

The specification on pages 9-11 has been amended to remove the dual usage of reference numerals 20 and 21 to identify the hands-free device which is now only identified with the reference numeral 20.

Claims 8, 9, 20 and 33 stand rejected under 35 U.S.C. §112, second paragraph, regarding antecedent basis. The claims have been amended to overcome the stated grounds of rejection.

Claims 1 and 34 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent 6,356,645 (Trenkle) and further, claims 2-33 stand rejected under 35 U.S.C. §103 as being unpatentable over Trenkle in view of United States Patent 6,567,651 (Whitley). These grounds of rejection are traversed for the following reasons.

The independent claims have been amended to substantively recite that the device is secured to the headrest support structure by a strap which is tensioned and held in a tensioned condition by a strap tensioning mechanism or strap tensioning means and thereafter the strap, while engaging the tensioning mechanism or strap tensioning means, upon the application of tension to the strap is positioned to engage the housing of the device to maintain the strap under tension to secure the device to the headrest. This subject matter is not found in Trenkle which does not even disclose the usage of a strap. Further, Whitley, while using a wrist strap which carries a receptacle 14 in which a spring clip 15 is arranged to receive a lug fastener which is attached to the rear of a mobile phone, does not secure a tensioning mechanism or tensioning means to a housing to maintain tension in the strap. See column 5, lines 33-47. The strap device of Whitley relies upon engagement with the wearer's wrist. Since the wrist is located within the loop

of the strap 36 of Whitley, there is no tensioning mechanism or tensioning means which engages the housing as recited by the claims. While the strap 36 may be stretchable, it is merely tightened against the wrist with the adjustable clip 37.

A person of ordinary skill in the art would not be motivated to modify the subject matter of the independent claims to include the claimed tensioning mechanism or tensioning means which engages the strap and upon application of tension to the strap is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the headrest without impermissible hindsight. There is no basis in the record why a person of ordinary skill in the art would even contemplate modifying the strap mechanism of Whitley to have a tensioning mechanism or tensioning means that is attached to a housing since Whitley secures the device purely by tension around the phone user's wrist which is different than a mechanical connection between a tensioning mechanism and the housing as recited in the claims.

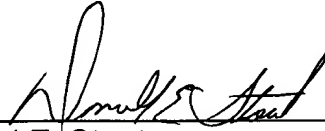
The dependent claims define more specific aspects of the present invention which are not anticipated or rendered obvious by Trenkle alone or in combination with Whitley.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135
(0173.40183X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Donald E. Stout', is written over a horizontal line.

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Attachments

DES:dlh